

# **2012 APAAC Summer Conference**

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## **STRANGULATION – What are you doing about it?**

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Distributed By:

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**

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## Attempted Strangulation Cases Documentation Worksheet

### Symptoms and / or Internal Injury:

Breathing Changes	Voice Changes	Swallowing Changes	Behavioral Changes	Other
<input type="checkbox"/> Difficulty Breathing <input type="checkbox"/> Hyperventilation <input type="checkbox"/> Unable to Breathe <input type="checkbox"/> Other:	<input type="checkbox"/> Raspy Voice <input type="checkbox"/> Hoarse Voice <input type="checkbox"/> Coughing <input type="checkbox"/> Unable to Speak <input type="checkbox"/> Other:	<input type="checkbox"/> Trouble Swallowing <input type="checkbox"/> Painful to Swallow <input type="checkbox"/> Neck Pain <input type="checkbox"/> Nausea <input type="checkbox"/> Vomiting <input type="checkbox"/> Other:	<input type="checkbox"/> Agitation <input type="checkbox"/> Amnesia <input type="checkbox"/> PTSD <input type="checkbox"/> Hallucinations <input type="checkbox"/> Combativeness	<input type="checkbox"/> Dizzy <input type="checkbox"/> Headaches <input type="checkbox"/> Fainted <input type="checkbox"/> Involuntary Urination <input type="checkbox"/> Involuntary Defecation

### Visible Injuries: \*Photograph any visible injury

Face	Eye & Eyelids	Nose	Ear	Mouth
<input type="checkbox"/> Red or Flushed <input type="checkbox"/> Petechiae <input type="checkbox"/> Scratch Marks	<input type="checkbox"/> Petechiae to Eyeball <input type="checkbox"/> R and / or <input type="checkbox"/> L  <input type="checkbox"/> Petechiae to Eyelid <input type="checkbox"/> R and / or <input type="checkbox"/> L  <input type="checkbox"/> Bloody Red Eyeball(s)	<input type="checkbox"/> Bloody Nose <input type="checkbox"/> Broken Nose <input type="checkbox"/> Petechiae	<input type="checkbox"/> Bruising behind Ear <input type="checkbox"/> R and / or <input type="checkbox"/> L  <input type="checkbox"/> Bleeding from Ear Canal  <input type="checkbox"/> Petechiae	<input type="checkbox"/> Bruising <input type="checkbox"/> Swollen Tongue <input type="checkbox"/> Swollen Lips <input type="checkbox"/> Cuts / Abrasions
Under Chin	Chest	Shoulders	Neck	Head
<input type="checkbox"/> Redness <input type="checkbox"/> Scratch Marks <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Abrasions	<input type="checkbox"/> Redness <input type="checkbox"/> Scratch Marks <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Abrasions	<input type="checkbox"/> Redness <input type="checkbox"/> Scratch Marks <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Abrasions	<input type="checkbox"/> Redness <input type="checkbox"/> Scratch Marks <input type="checkbox"/> Bruising <input type="checkbox"/> Fingernail Impressions <input type="checkbox"/> Swelling <input type="checkbox"/> Ligature Mark	<input type="checkbox"/> Petechiae (on scalp)  <b>Ancillary findings:</b> <input type="checkbox"/> Hair Pulled <input type="checkbox"/> Bump(s) <input type="checkbox"/> Skull Fracture <input type="checkbox"/> Concussion

### Investigative Questions:

1. How and where was the victim strangled? List position and mechanism. Ligature Used?
2. How long? \_\_\_\_ seconds, \_\_\_\_ minutes.
3. Describe how hard was the suspect's grip was?
4. Is the suspect right or left handed? If known
5. Was the victim shaken simultaneously while being strangled? Straddled? Against Wall?
6. Was the victim's head being pounded against the wall, ground or object?
7. Was the victim able to breathe?
8. What did the victim think was going to happen?
9. What was the suspect's demeanor? Did the suspect make and statements while strangling the victim? What was the suspect's facial expression?
10. Describe prior domestic violence history? Prior threats?
11. Any prior incidents of strangulation? How many? How often?

Domestic Violence  
Strangulation Project



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San Diego Study 1990-1997

- 300 cases
- 99% of victims were female
- 97% reported manual strangulation, 3% by ligature
- 41% reported children present

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San Diego Study 1990-1997

Symptoms Reported:  
67% reported NO SYMPTOMS  
18% reported pain only  
7% other  
5 % breathing changes  
2% problems swallowing

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### San Diego Study 1990-1997




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### San Diego Study 1990-1997

- San Diego Study Understates need for “medical” testimony in strangulation cases.
  - “When medical treatment was obtained, the medical observations were strikingly robust.”
  - “The difference between the officer’s description and the Emergency Physician’s description is quite significant for the prosecutor.”

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### Reviewed submittals to MCAO between February 2011 – August 2011

- 12 cases – Chandler PD
- 38 cases – Glendale PD
- \_\_\_\_\_
- 50 cases total

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### Cases Filed:

- 6 Glendale PD
- 1 Chandler PD
- 7 of 50 cases = 14%

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### 43 cases Turned down for Prosecution

- Reasons:
  - 90% Lack of corroboration
  - 5% Self defense issues
  - 5% Breathing not impeded

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### Project started December 1, 2011

- Partners:
  - Maricopa County Attorney's Office
  - Glendale PD
  - Chandler PD
  - Scottsdale Healthcare



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### Agreement:

- To provide medical – forensic examinations and collect evidence relating to intimate partner domestic violence where allegations of strangulation are present




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### Cost per exam - \$400

#### Includes:

- 1) Respond 24/7 to Advocacy Center/Hospital
- 2) Assess, plan, intervene and evaluate patient/victim care as stated in the policies and procedures, standards of care, and clinical competencies of the FNE department
- 3) Conduct comprehensive evidentiary examinations of the victim/suspect including documenting the history, perform a head to toe examination, gather photographic documentation, collect DNA evidence and other physical evidence, evaluate and report findings to law enforcement, and maintain the chain of custody as directed by MCAO.

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- 4) Provide fact and expert witness testimony in court; attend and participate in defense interviews and pretrial preparation; and maintain availability for case staffings as necessary.
- 5) Maintain victim/suspect documentation and confidentiality of medical/legal records, including HIPAA requirements where and if applicable; and
- 6) Consult with other specialists as required and adjust nursing care process as indicated to ensure optimal care.

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**3 Month Review**  
**December 1<sup>st</sup>, 2011 – February 29<sup>th</sup>, 2012**

- Allegation of Strangulation
  - 34 cases – Glendale PD
  - 7 cases – Chandler PD
  - 41 Total

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**31 victims in 41 cases consented to exam**

- Exams performed at
  - 31 – Glendale Family Advocacy Center
  - 6 – Mesa Center Against Family Violence
  - 2 – Arrowhead Community Hospital
  - 1 – Banner Thunderbird Hospital
  - 1 – Chandler Regional Hospital

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**31 exams of consenting victims 26 of these cases were submitted for felony charges to MCAO**

- Results:
  - 16 Cases filed by MCAO
  - 2 Sent to City
  - 8 Turndown
- Increase from 14% filed to 61.5% filed.



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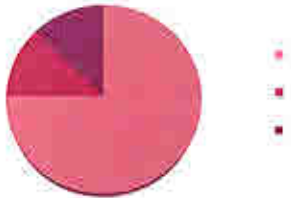
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What can we learn from the 8  
turndowns?




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Projections for Countywide  
Implementation of Domestic  
Violence Strangulation Exams

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Number of Cases of Alleged  
Strangulation in 2011

- Phoenix – 1000
- Scottsdale – 60
- \*\*Glendale – 123
- \*Chandler – 75
- Gilbert – 85
- Mesa – 31
- MCSO – 22
- Tempe – 14
- Surprise – 37
- Avondale – 52
- Buckeye – 5
- Goodyear – 0
- Peoria – 53
- Paradise Valley – 0

- \*Estimate Based on 5% of total of Domestic Violence Calls
- \*\*Estimate Based on Pilot Project Exam numbers

Total Calls of Alleged Strangulation in 2011  
1557

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### 75 % of Victims Consenting to Exams Based on Pilot Project

- 1557 Allegations of Strangulation
  - 75% Consent to Exams
    - 1168 Exams



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### Estimate of 1168 Exams

- \*Cost \$500 per Exam
  - Total \$58,400

\* Increase request from Scottsdale Healthcare from \$400

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### Based on Pilot Project

- 84% of Cases Where Victims Had Exams Were Submitted to MCAO

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### Estimate of 1168 Exams Per Year

- 85% Submitted to MCAO During Pilot Project
- 992 Submittals Per Year (estimate)
- 61.5% of Submittals Were Filed = 610 Cases Filed (estimate)

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### Submittals to MCAO in 2011

- 342 Submittals
- Filed Only 91 Cases
- Estimate of Additional Cases to MCAO Per Year - 519

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# Strangulation

What are we doing about it?

Presented by:

Sergeant Daniel Rincon - Scottsdale Police Department

&

Forensic Nurse Examiner Jill Rable - Scottsdale Healthcare

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## Why The Need For This Training?

- To better understand the lethality of strangulation
- Understanding its prevalence in Domestic Violence
- Learn best practices to investigate and prosecute these types of cases
- The recent change in Arizona Law
- All disciplines know very little about strangulation
  - Law Enforcement
  - Prosecutors
  - Judges
  - Medical Community
  - Victim Advocates

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## Why The Need For This Training?



- In 2009, House Bill 2353 was in the Arizona State Legislature
- This bill addressed a "person who knowingly or intentionally impedes the normal breathing or circulation of blood by applying pressure to the throat or neck or by obstructing the nose or mouth."
- In September of 2010, HB 2353 became law (ARS: 13-1204.B)

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## Aggravated Assault 13-1204.B

B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure that person, and both of the following occur:

1. The person intentionally or knowingly invades the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.

2. Any of the circumstances exists that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

## Process of Success

- Understanding the need for such training
- Have a strong relationship with your County Attorney's Office
- Provide training to all stakeholders
  - Establish a clear standard

## Strangulation Study

- In 1995, the San Diego Police Department and the San Diego City Attorney's Office conducted a study of 300 strangulation cases
  - These reports were randomly selected over a 5-year period
  - The police officers had no specialized training

### Study Findings

- Victims reported being "Choked" by:
  - Bare Hands
  - Arms:
  - Other objects
    - Electrical Cord
    - Belts
    - Ropes
    - Bras

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**Manual Strangulation**  
Most commonly used

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### Study Findings

- 99% of the suspects were men
- There was a history of Domestic Violence in 90% of these cases
- Children were present in 50% of cases
- Only 3% of the victims sought medical attention

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## Study Findings

### San Diego Study - 300 Cases

- 50% of cases, no visible injury
- 35% of cases had minor injury
- 15% of cases, significant visible injury

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## Recent Study

- Women that are strangled by their partners and survive are **100%** more likely to be killed by their partner in a subsequent assault and **700%** more likely to suffer an attempt on their lives by their abusive partner at a later time.
- Thus, ARS 13-1204.B1 becomes a homicide prevention measure by allowing prosecutors to file spousal abuse charges as a felony before the abuser ends up killing his partner.

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## Lethality - 2008 Study

- A 2008 study in the Journal of Emergency Medicine found **43%** of women who were murdered in domestic assaults and **43%** who were victims of attempted murder had been choked in the past year by their male partners.

\*Journal of Emergency Medicine - 46(6) 500-505 (2012) doi:10.1016/j.jemermed.2012.07.008

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### High Risk & Lethality... Strangulation is different!

- When battered women were asked what made them believe they were in danger or not – the majority of women perceiving a great amount of danger mentioned "choking" as a tactic used against them that made them believe their partner might kill them

• Stuart & Campbell, 1989

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### Minimization by Victims

- Most victims may be reluctant to seek medical attention because they don't understand the dangers
- "He didn't really choke me, he just had me in a headlock and I couldn't breathe."
- Question: Who is responsible for calling EMS?
  - The first responder

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### Minimization by Professionals

- Dispatch operators may not realize the danger and trivialize the violence




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## Minimization by Offenders

- San Diego, California case:
  - "Why are you arresting me? I only choked her!"
- Portland, Oregon case:
  - "Officer, I swear I didn't hit her! All I did was choke the living shit out of her once or twice. I swear I didn't hit her!"

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## Minimization by the Court

- Don't always expect your judges or jurors to understand the seriousness of strangulation
- Without an expert, jurors are likely to think it didn't happen because the injuries were too minor (San Diego Jury)
- With an expert, jurors wanted to know why the case was only prosecuted as a misdemeanor (Orange County Jury)

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## Power & Control

Casey Owen, Co-Founder of the National Family Justice Alliance




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### ■ Quote from a Scottsdale PD case (2012)

- I asked SUSPECT what the point of choking VICTIM was tonight, and he said that it was to show her "that I'm capable of fighting back, and that I would win, if I had to. I choose not to though." I asked SUSPECT if he realized that he would probably hurt VICTIM by doing that, and he said "yeah, but I didn't hurt her. I wanted her to know, that what she has done is unacceptable, and that I'm capable physically if wanted to, of killing her, really."

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### CHOKING & STRANGULATION

Is there a difference?

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### What's the Difference

**Choking:** Simply defined as partial or total blockage of an air passage by a foreign object.




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## What's the Difference

### STRANGULATION

- ◊ Defined as a form of asphyxia (lack of oxygen) characterized by closure of blood vessels and/or passages of the neck as a result of external pressure on the neck

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## Three Forms of Strangulation

- Hanging
- Ligature
- Manual



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## Strangulation Autopsy



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## Autopsy

- Face was congested
- Tongue was bitten
- Horizontal ligature mark below the thyroid cartilage
- Neck muscles showed signs of trauma
- Tracheal rings were fractured
- Multiple abrasions and contusions on chin, both arms, and abdomen suggesting a struggle

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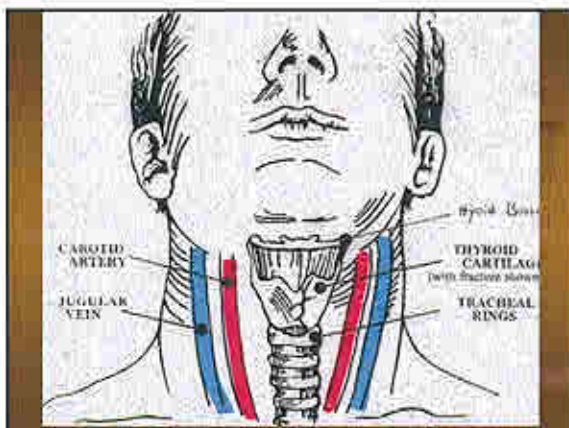
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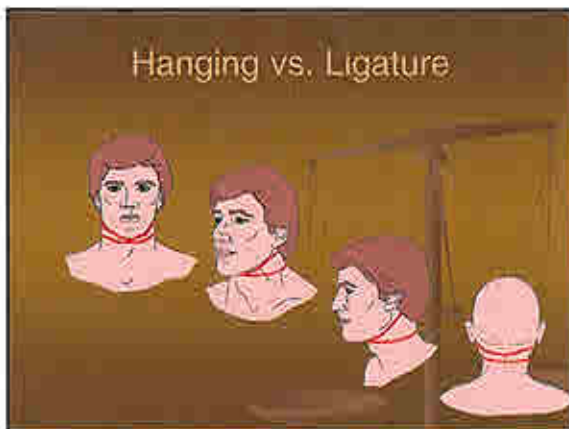
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## Hanging vs. Ligature




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### The victim will lose consciousness

- Blocking of the carotid arteries
  - Depriving the brain of oxygenated blood
- Blocking of the jugular veins
  - Prevents de-oxygenated blood from leaving the brain
- Closing off the airway
  - Causing the victim from being unable to breathe

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### Quantity of Applied Force

- 4.4 lbs. of pressure: Can close the jugular veins
- 11 lbs. of pressure can close the carotid arteries and in 10 seconds and render someone...

Unconscious

\*Comparisons:

4-6 lbs. of pressure (trigger pull)

22 lbs. of pressure to open a can of soda

33 lbs. of pressure to close the trachea

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### Duration of Applied Force

- If pressure is released immediately, consciousness will be regained in 10 seconds
- 50-seconds "point of no return" because a person's bounce-back reflexes become inoperative
- Brain death will occur within 4 to 5 minutes, if strangulation persists

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### Parking Lot Video – Real Time

Copyright © 2011 by Mark Brown, from FBI Training




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### Parking Lot Video – Slow Motion

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## Signs of Unconsciousness

- Loss of memory
- Unexplained positional change
- Unexplained gap in timeline
- Bowel or bladder inconsistency
- Unexplained injuries (bump on head)
- Visual impairment

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## Signs and Symptoms of Strangulation

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## Symptoms

### Voice Changes

- Hoarseness
- Change of pitch
- Raspy voice
- Partial or total loss of voice

### Swallowing Changes

- Difficult but not painful
- Painful when swallowing
- Pain to throat
- Coughing or clearing of throat

### Breathing Changes

- Hyperventilation
- Having trouble catching breath

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### Symptoms

- Take note of behavioral changes
  - Restlessness to combativeness
  - Feeling dizzy, faint, loss of memory or consciousness
- Miscellaneous:
  - Involuntary urination or defecation, miscarriage, nausea/vomiting, vision faded or reported "seeing stars"
- Lung Damage
  - Vomit inhaled during strangulation

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### Signs of Strangulation

#### VISIBLE INJURIES

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### Visible Injuries

- Scratches, Abrasions, Scrapes
  - Many scratches on the neck are defensive wounds
- Ligature marks
  - Ropes
  - Clothing
  - Belt

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